Before the FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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Notice of Proposed Rulemaking)	
)	CS Docket No. 02-52
Appropriate Regulatory Treatment for)	
Broadband Access to the Internet Over)	
Cable Facilities)	
)	

CORRECTED COMMENTS OF THE CITY OF PELHAM, ALABAMA

These comments are filed by the City of Pelham, Alabama in support of the comments filed by the Alliance of Local Organizations Against Preemption (the "Alliance"). Like the Alliance, the City of Pelham believes that (a) local communities should be able to require cable operators to obtain additional authorizations to use and occupy public rights of way to provide cable services, and to enforce existing authorizations that have been granted for the service; (b) should be able to obtain fair and reasonable compensation for use and occupancy of the public rights of way to provide non-cable services; and (c) should be able to regulate cable companies in their provision of non-cable services, as provided under the Cable Act. These comments will also provide information regarding the status of cable modem service in our community.

1. Our community and the status of cable modem service.

The City of Pelham, Alabama, is a City with a population of 14,369. It is served by Charter Communications, which has an undetermined number of current subscribers. The Charter cable system serving our community offers subscribers a total of 75 basic channels of service. Cable modem service has only been offered in most areas of our community for less than one-year.

2. Our franchise.

Our franchise was issued in 1996 and requires the cable operator to provide cable service throughout the community. Our franchise did not directly address cable modem service. However, under our franchise, the

definition of gross revenues is broad enough to include cable modem service as a cable service. Pursuant to the franchise agreement, we are entitled to receive 5% franchise fees on the total gross receipts from the provision of cable services. Neither the franchise requirements or the fees have prevented or delayed the roll-out of cable modem service in our community.

3. Our community and broadband deployment.

Our community believes it is very important to encourage broadband deployment, and to encourage development of broadband applications. We also believe that in order to achieve the promise of broadband, broadband has to be available to the entire community, as far as possible.

Respectfully submitted,

Bobby Hayes, Mayor City of Pelham, Alabama 3162 Pelham Parkway Pelham, AL 35124

Bobby Hayes, Mayor, City of Pelham,

June 24, 2002